REMARKS

Applicants respectfully request consideration of the subject application as amended herein. This Amendment is submitted in response to the Office Action mailed July 25, 2006. Claims 1-33 stand rejected and claims 4, 9 and 27 stand objected to.

In this Amendment, claims 1, 3, 4, 9, 11, 17, 19, 25 and 27 have been amended. It is respectfully submitted that no new matter has been added.

Applicants reserve all rights with respect to the applicability of the doctrine of equivalents.

Claim Objections

The Examiner objected to claims 4, 9 and 27 due to some informalities. Applicants have amended claims 4, 9 and 27 to make the appropriate corrections.

Claim Rejections

The Examiner has further rejected claims 1-33 under 35 U.S.C. §103(a) as being unpatentable by Fan, et al. (USPN 6,408,005, hereinafter "Fan") and Hughes, et al. (USPN 5,835,494, hereinafter "Hughes").

In independent claims 1, 9, 17 and 25, as amended, applicants claim incrementing a counter related to said signal if a difference between said current time counter value and said TDT parameter is greater than twice the value of the ICG parameter associated with said buffer. Applicants respectfully submit that the combination of Fan and Hughes is improper and does not teach or suggest this limitation of claims 1, 9, 17 and 25.

Fan discloses scheduling cells for service in an ATM switch by taking into account a minimum guaranteed rate for each queue at the switch and a portion of the unused bandwidth. (Fan col. 5, lines 38-45). Fan discloses accounting for timing of cell transmission using the following mechanism:

> At any given current time, CT, any cell having a timestamp which equals the current time is eligible for service. Therefore, there is no need for constant ordering of the cells according to timestamps.

(Fan col. 6, lines 32-35). Fan discloses that the timestamp associated with a buffer is calculated based on the current time and a minimum service rate for the queue.

Fan further reads as follows:

> [A] queue is scheduled at its minimum guaranteed rate if its associated timestamp falls behind current time by a designated amount. In particular, <u>if the queue timestamp falls behind current time by more than the reciprocal of the minimum guaranteed rate at the time of scheduling/rescheduling, the queue is scheduled/rescheduled at the minimum guaranteed rate</u>. Scheduling a queue at its minimum guaranteed rate allows its timestamp to `catch up` with the current time clock, by slowing down the rate at which the queue is being scheduled.

(Fan, col. 16, lines 40-50) (emphasis added).

Thus, Fan discloses only that if a queue timestamp is less than the current time by more than the reciprocal of the minimum guaranteed rate, the queue is rescheduled. Fan does not teach or suggest incrementing a counter <u>if a difference between said current time counter value and said TDT parameter is greater than twice the value of the ICG parameter</u> associated with said buffer, as claimed.

Applicants respectfully submit that Hughes does not supply the missing limitation. Hughes discloses using a calendar to schedule a service time of a virtual connection based on the transfer rate of the connection. (Hughes, col. 3, lines 25-33). Hughes is silent about and does not teach or suggest incrementing a counter if a difference between said current time counter value and said TDT parameter is

greater than twice the value of the ICG parameter associated with said buffer, as claimed.
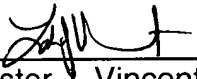
As such, the combined teachings of Fan and Hughes fail to disclose each and every limitation of independent claims 1, 9, 17 and 25. Hence, Fan and Hughes do not render independent claims 1, 9, 17 and 25 and associated dependent claims obvious under 35 U.S.C. §103(a).

Applicants respectfully submit that the rejections have been overcome. Authorization is hereby given to charge our Deposit Account No. 02-2666 for any charges that may be due.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

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Lester J. Vincent
Attorney for Applicant
Registration No. 31,460

12400 Wilshire Boulevard
Seventh Floor
Los Angeles, CA 90025-1026
(408) 720-8300